

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
FEBRUARY 10, 2005**

BUREAU OF LAND AND WASTE MANAGEMENT

Solid Waste Enforcement

- 1) Order Type and Number: Consent Order 04-18-SW
 Order Date: December 14, 2004
 Respondent: **Dirty Work, Inc. Composting
Facility**
 Facility: Same As Above
 Location/Mailing Address: North Santee Community,
 Georgetown County, SC/198 Jubie
 Lane, Seneca, SC 29672

 County: Georgetown
 Previous Orders: None
 Permit/ID Number: 222671-3001
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (2002); Yard Trash and Land-Clearing
 Debris; and Compost Regulation, 25A S.C. Code Ann. Reg. 61-
 107.4.C.2., E.3.i., E.3.l., F.3., F.9.a., F.10., F.11.c., F.12.b. (Supp. 2003);
 and, Construction, Demolition and Land-Clearing Debris Landfills
 Regulation, 25A S.C. Code Ann. Reg. 61-107.11, Part IV, (B)(1) (Supp.
 2003).

Summary: Dirty Work, Inc. Composting Facility (Respondent) operates a solid waste wood chipping, shredding and composting facility located in the North Santee Community of Georgetown County, South Carolina (Site). The Department issued the Respondent a Composting Registration (# 222671-3001) on June 14, 1999. The Respondent violated its permit when it failed to store land-clearing debris (LCD) in windrows that are within the specifications stated in the approved registration and plan for the facility, failed to control/secure access to the facility preventing unauthorized entry, failed to post signs as required, failed to provide adequate lanes as required, failed to properly dispose of construction and demolition (C&D) debris as required, and failed to submit its fiscal year annual report as required.

Action: The Respondent agreed to perform the following within thirty (30) days from receipt of a copy of the fully executed Order: forward to the Department an annual report for fiscal year (FY) 2003, install an entry gate with a lock to prevent unauthorized access to the site, and submit a letter to the Department requesting termination of its registration upon completion of the closure of the Site (as approved by the Department); and, by no later than March

1, 2005: remove all C&D debris on Site and properly dispose of it at a permitted facility (forward disposal receipts to the Department), push the LCD windrow into the low area adjacent to it and cover all remaining LCD with at least six (6) inches of soil, and use the concrete as beneficial fill for the Site and cover with clean fill soil. The Department assessed a civil penalty in the amount of eleven thousand, eight hundred dollars **(\$11,800.00)**. The Department determined that the Respondent would be unable to pay a civil penalty due to financial hardship. Therefore, the Department **suspends** the entire penalty due to the financial circumstances of the Respondent; however, if the provisions of the Order are not complied with as required, the penalty shall become due and payable to the Department upon written notification.

2) Order Type and Number: Consent Order 04-19-SW
 Order Date: December 10, 2004
 Respondent: **John Brillinger d.b.a. John
 Brillinger Tire Sales and Tower
 Tire Reclamation**
 Facility: John Brillinger Tire Sales
 Location/Mailing Address: 7053 Savannah Hwy/P.O. Box 735
 Ravenel, SC 29470
 County: Charleston
 Previous Orders: None
 Permit/ID Number: 102714-5201 (Processing Permit)
 Violations Cited: South Carolina Solid Waste Policy and
 Management Act of 1991 (Act), § 44-96-170 (2002), 25A S.C. Code Ann.
 Reg. (Waste Tires Regulation) (Supp. 2003) 61-107.3.D. and D.1.

Summary: Mr. John Brillinger (Mr. Brillinger) operates a tire retailing business (Site) in Charleston County and has exceeded the storage limit of nine hundred ninety-nine (999) waste tires allowed for this type of facility. In exceeding the storage limit, Mr. Brillinger has failed to qualify for storage permit exemption from the Waste Tires Regulation.

Action: Consent Order 04-19-SW requires Mr. Brillinger to remove all waste tires and tire remnants from the Site by March 3, 2005, and to effectively control mosquitoes and other vectors at the Site until cleanup is completed. Failure to comply with the terms of the Consent Order will result in the assessment of a civil penalty of one thousand dollars **(\$1,000.00)** per week per violation until the terms of the Consent Order have been met.

3) Order Type and Number: Consent Order 04-20-SW
 Order Date: December 17, 2004
 Respondent: **Broadway Land-Clearing Debris
 Landfill**
 Facility: Same As Above

Location/Mailing Address: Broadway Lake Road, Anderson,
SC/426 Bryant Road, Anderson, SC
29621
County: Anderson
Previous Orders: None
Permit/ID Number: 042722-1701
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991 (2002); Construction, Demolition and Land-
Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Reg. 61-
107.11, Part II, C. (Supp. 2003); and, Permit # 042722-1701.

Summary: Broadway Land-Clearing Debris Landfill (Respondent) operates a facility located on Broadway Lake Road in Anderson, South Carolina (Site). The Department issued the Respondent a land-clearing debris landfill permit (Facility ID # 042722-1701) on May 15, 2002. The Respondent violated its permit when it failed to send in its fiscal year (FY) 2004 annual report.

Action: The Respondent has agreed to send in its FY 2004 annual report and pay a civil penalty in the amount of five hundred dollars (**\$500.00**). The FY 2004 annual report has now been received by the Department.

4) Order Type and Number: Consent Order 04-21-SW
Order Date: December 16, 2004
Respondent: **Stewart's Grading & Excavating
Land-Clearing Debris Landfill**
Facility: Same As Above
Location/Mailing Address: 206 Pine Grove Church Road,
Sunset, SC 29685/PO Box 1412,
Pickens, SC 29671
County: Pickens
Previous Orders: None
Permit/ID Number: 392738-1701
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991 (2002); Construction, Demolition and Land-
Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Reg. 61-
107.11, Part II, C. (Supp. 2003); and, Permit # 392738-1701.

Summary: Stewart's Grading & Excavating Land-Clearing Debris Landfill (Respondent) operates a facility located at 206 Pine Grove Church Road in Sunset, South Carolina (Site). The Department issued the Respondent a land-clearing debris landfill permit (Facility ID # 392738-1701) on May 15, 2003. The Respondent violated its permit when it failed to send in its fiscal year (FY) 2004 annual report.

Action: The Respondent has agreed to send in its FY 2004 annual report and pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Hazardous Waste Enforcement

- 5) Order Type and Number: Consent Order 04-22-HW
 Order Date: December 6, 2004
 Respondent: **Shakespeare Composite Structures**
 Facility: Shakespeare Composite Structures
 Location/Mailing Address: 19845 U.S. Highway 76
 Newberry, SC 29108

 County: Newberry
 Previous Orders: None
 Permit Number: SCD 006 540 983
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2002) and the South Carolina
 Hazardous Waste Management Regulations 61-79.262.11, R.61-
 79.262.34(4)/265.31, R.61-79.262.34(1)(i)/265.175(b)(1), R.61-
 79.262.34(1)(i)/265.177(c), R.61-79.265.173(a), R.61-79.262.34(a)(2),
 R.61-79.262.34(a)(1)(i)/265.173(d) and R.61-79.262.34(a)(3).

Summary: Shakespeare Composite Structures (Respondent) designs, engineers, and manufactures fiberglass reinforced composite structures. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to accurately determine if a solid waste is a hazardous waste; failure to maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste constituents to air, soil, or surface water; failure to design and operate a containment system with a base underlying the containers which is free of cracks and gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation; failure to separate storage containers holding a hazardous waste that is incompatible with any waste or other materials stored nearby; failure to ensure that each container holding hazardous waste was always closed during storage, except when it is necessary to add or remove waste; failure to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failure to ensure that each container was appropriately labeled with an EPA Hazardous Waste Number; and, failure to ensure that while being accumulated onsite, each container...is labeled or marked clearly with the EPA Hazardous Waste Number and the words: "Hazardous Waste – federal laws prohibit improper disposal.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act; ensure that a hazardous waste determination is made on all solid wastes, as defined in R.61-79.261.2; ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; and, pay a civil penalty in the amount of sixteen thousand dollars (**\$16,000.00**).

- 6) Order Type and Number: Consent Order 04-23-HW
Order Date: December 9, 2004
Respondent: **Winthrop University**
Facility: Winthrop University
Location/Mailing Address: 701 Oakland Avenue
Rock Hill, South Carolina 29733
County: York
Previous Orders: N/A
Permit/ID Number: SCD 981 471 881
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulations 61-79.262.11, R.61-79.262.34(d)(4)/262.34(a)(3), R.61-79.262.34(d)(2)/265.173(c), R.61-265.173(d), R.61-79.262.34(d), R.61-79.265.16(a)(1), R.61-79.262.34(d)(5)(iii), R.61-79.262.34(a)(4)/265.31, R.61-79.273.13(d)(1), and R.61-79.273.14(e).

Summary: Winthrop University Corporation (Respondent), located in Rock Hill, South Carolina, is a public University. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to make an accurate hazardous waste determination; failure to label or mark clearly on each container the EPA Hazardous Waste Number and the words: "Hazardous Waste – federal laws prohibit improper disposal;" failure to accumulate hazardous waste onsite for no greater than 180 days without a permit or without having interim status; failure to provide a complete program of classroom instruction or on-the-job training that teaches Winthrop University personnel to perform their duties in a way that ensures the facility's compliance with the regulatory requirements; failure to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies; failure to maintain and operate its facility to minimize the possibility of any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water; failure to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps; and failure to clearly mark each lamp or container or package in which such lamps are contained with one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations; ensure that a hazardous waste determination is made on all solid wastes onsite; ensure that all containers in the less than 180 day storage area containing hazardous waste are labeled with the EPA Hazardous Waste Number and the words: "Hazardous Waste – federal laws prohibit improper disposal;" ensure that hazardous waste is stored onsite for no greater than 180 days without first obtaining either an extension to the 180 day period or a permit from the Department; ensure that all

individuals who handle hazardous waste are properly trained on the management of that waste; ensure that Winthrop is maintained and operated to minimize the possibility of any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment; ensure that all lamps are stored in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps; ensure that each lamp, or each container or package in which such lamps are contained, is marked with one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s);" and, pay a civil penalty in the amount of twenty thousand dollars (**\$20,000.00**).

- 7) Order Type and Number: Consent Order 04-24-HW
 Order Date: December 31, 2004
 Respondent: **Isola USA Corp.**
 Facility: Isola USA Corp.
 Location/Mailing Address: 100 Tillessen Boulevard
 Ridgeway, S.C. 29130

 County: Fairfield
 Previous Orders: 01-058-A (\$18,500)
 Permit/ID Number: SCR 000 003 798
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2); the South Carolina Hazardous
 Waste Management Regulations 61-79.262.11, R.61-79.262.34(c)(1)(ii),
 R.61-79.265.15(d), R.61-79.265.52(d), R.61-79.265.173(a), R.61-
 79.273.14(a); and, the South Carolina Solid Waste Policy and
 Management Act of 1991, (2002), 25A S.C. Code Ann. Regulations 61-
 107.279.22(c)(1)

Summary: Isola USA Corp. (Respondent), located in Ridgeway, South Carolina, designs and manufactures base materials used for circuit boards used in the electronics industry. The Respondent has violated the Hazardous Waste Management Regulations and the South Carolina Solid Waste Policy and Management Act as follows: failure to make an accurate hazardous waste determination; failure to mark containers of hazardous waste either with the words "Hazardous Waste" or with other words that identify the contents of the container; failure to record hazardous waste inspections in an inspection log or summary; failure to list the names, addresses, and phone numbers of all persons qualified to act as emergency coordinator in the contingency plan; failure to close all containers holding hazardous waste except when it is necessary to add or remove waste; failure to label or clearly mark each container of waste batteries with one of the following phrases: "Universal Waste – Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);" and, failure to label or mark clearly all containers of used oil with the words: "Used Oil."

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act, the South Carolina Hazardous Waste Management Regulations, and the South Carolina Solid Waste Policy and Management Act; and pay a civil penalty in the amount of thirteen thousand, five hundred dollars (**13,500.00**).

Underground Storage Tank Enforcement

8) Order Type and No: Administrative Order 03-0062-UST
 Order Date: November 29, 2004
 Owner/Operator: **Jackson Petroleum Co., Inc.**
 Facility Name: Four Seasons Food & Fuel 5
 Facility Address: 2031 Pisgah Rd., Aiken, SC
 County: Aiken
 UST Permit Number: 00120
 Previous UST Orders: None
 Violations Cited: R.61-92, §280.65(a), R.61-92,
 §280.65(b).

Summary: Jackson Petroleum, Inc. owned and operated USTs at 2031 Pisgah Rd. in Aiken until 1999 when the tanks were removed from the ground. Contamination was found at the time of closure. The owner has failed to submit an assessment report to the Department as requested. The Department has confirmed that contamination from this facility has impacted a stream.

Action: The Department issued an Administrative Order with a civil penalty of thirty-two thousand six hundred fifty dollars (**\$32,650.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by submitting the required report. The Administrative Order was not appealed. There has been no action taken by the responsible party.

9) Order Type and No: Consent Order 04-0773-UST
 Order Date: December 14, 2004
 Owner/Operator: **Bridges Oil Co., Inc.**
 Facility Name: Bridges Pacific Pride
 Facility Address: 1821 Main St. N, Allendale, SC
 County: Allendale
 UST Permit Number: 18615
 Previous UST Orders: AO 03-4782-UST (\$0)
 Violations Cited: R.61-92, §280.10(e), R.61-92,
 §280.34(c), R.61-92, §280.40(a).

Summary: Bridges Oil Company, Inc. (Respondent), located in Allendale, S.C., owns and operates underground storage tanks. The Respondent introduced product into underground storage tanks that were not properly registered, failed to

conduct adequate release detection, and failed to submit records to the Department upon request.

Action: The Respondent has been ordered to: obtain proper registration for the tanks; conduct adequate release detection; submit appropriate records; and pay a civil penalty in the amount of one thousand six hundred dollars **(\$1,600.00)**. The Respondent paid its annual UST registration fees but submitted insufficient release detection records to the Department and has not paid the civil penalty.

BUREAU OF WATER

Drinking Water Enforcement

10) Order Type and Number: Consent Order 04-214-DW
Order Date: December 20, 2004
Respondent: **Randy McCracken**
Facility: N/A
Location/Mailing Address: 7037 Shady Grove Road
Conway, S.C. 29527
County: Horry
Previous Orders: None
Permit/ID Number: Certification #1019
Violations Cited: S.C. Code Ann. § 44-55-10

Summary: Randy McCracken (Respondent) is a certified well driller in the State of South Carolina. The Respondent has violated the State Safe Drinking Water Act as follows: failure to submit Notice Of Intent (NOI) forms, required permit fees, and well record forms on two wells; and failed to attach an identification plate to one well.

Action: The Respondent has agreed to: attach an identification plate; submit well record forms; and pay a civil penalty in the amount of three thousand five hundred dollars **(\$3,500.00)** in monthly installments.

Water Pollution Enforcement

11) Order Type and Number: Administrative Order 04-167-W
Order Date: August 27, 2004
Respondent: **Buckhead Land Group LLC**
Facility: Broad Oak Farms Subdivision (SD),
Pine Shadow Estates, Glenwood Farms SD I&II, Greenpond Farms
Location/Mailing Address: 151 Main Street
Wagener, S.C. 29164
County: Aiken
Previous Orders: 03-167-W

Permit/ID Number: Glenwood Farms SD I (02-00-12-02), Glenwood Farms SD Phase II (02-00-12-03), and Greenpond Farms (02-00-07-02), Broad Oak Farms SD (Unpermitted) and Pine Shadow Estates (Unpermitted)

Violations Cited: S.C. Code Ann. § 48-1-90(a), S.C. Code Ann. Regs. 72-305.B(3) and 72-307.B

Summary: Buckhead Land Group LLC (Respondent) owns and is responsible for grading, clearing and construction activities in the Broad Oak Farms SD, Pine Shadow Estates, Glenwood Farms SD Phases I & II, and the Greenpond Farms (Sites). The Respondent has violated the Pollution Control Act and the South Carolina Stormwater Management and Sediment Control Regulation as follows: initiated land disturbing activities prior to obtaining a permit; failed to properly operate and maintain the facilities; and discharged sediment into the environment.

Action: The Respondent has been ordered to: comply with all applicable State and Federal regulations; apply for stormwater permits for the Broad Oak Farms SD and the Pine Shadow Estates; submit a report from a South Carolina Registered Professional Engineer stating that all stormwater controls have been installed and are functioning properly at the Broad Oak Farms SD and the Pine Shadow Estates; submit a report from a South Carolina Registered Professional Engineer stating that all storm water and sediment control devices have been installed and are functioning properly at the Greenpond Farms and the Glenwood Farms SD Phase I & II; and pay a civil penalty in the amount of thirty-seven thousand dollars (\$37,000.00).

12) Order Type and Number: Consent Order 04-207-W
Order Date: December 10, 2004
Respondent: **John Edwards**
Facility: John Edwards Turkey Farm
Location/Mailing Address: P.O. Box 216
Lancaster, S.C. 29721
County: Lancaster
Previous Orders: None
Permit/ID Number: None
Violations Cited: S.C. Code Ann. § 48-1-90(a)

Summary: John Edwards (Respondent) owns John Edwards Turkey Farm. The Respondent has violated the Pollution Control Act as follows: discharged sediment into the environment.

Action: The Respondent has agreed to: pay a civil penalty in the amount of four thousand two hundred dollars (\$4,200.00). The penalty has been paid.

13) Order Type and Number: Consent Order 04-210-W

Order Date: December 06, 2004
Respondent: **D.R. Horton/Torrey Homes of South Carolina, Inc.**
Facility: Glennlea SD
Location/Mailing Address: 1200 Woodruff Rd, Suite G-13
Greenville, S.C. 29607
County: Greenville
Previous Orders: None
Permit/ID Number: SCR106259
Violations Cited: S.C. Code Ann. Regs. 61-9.122.41
(a) and (e)

Summary: D. R. Horton/Torrey Homes of South Carolina, Inc. (Respondent) is responsible for clearing and grading activities at the Glennlea Subdivision (Site). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permits as follows: failed to comply with all permit conditions; and discharged sediment into waters of the State.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a report prepared by a South Carolina Registered Professional Engineer certifying that all storm water and sediment controls have been installed and are functioning properly; and pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

14) Order Type and Number: Consent Order 04-211-W
Order Date: December 20, 2004
Respondent: **Jimmy McCutcheon Construction Company, Inc.**
Facility: McCutcheon Mine #3
Location/Mailing Address: P.O. Box 125
Darlington, S.C. 29540
County: Darlington
Previous Orders: None
Permit/ID Number: SCG73045
Violations Cited: S.C. Code Ann. § 48-1-90(a)

Summary: Jimmy McCutcheon Construction Company, Inc. (Respondent) owns and operates a sand mining business. The Respondent has violated the Pollution Control Act as follows: failed to obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Associated with Mining before operating its mine.

Action: The Respondent has agreed to: pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**). The penalty has been paid.

15) Order Type and Number: Consent Order 04-212-W

<u>Order Date:</u>	December 10, 2004
<u>Respondent:</u>	Johnny O. Jackson Builders, Inc.
<u>Facility:</u>	Mustang Plantation Phase II
<u>Location/Mailing Address:</u>	1528 University Parkway Aiken, S.C. 29801
<u>County:</u>	Aiken
<u>Previous Orders:</u>	04-115-W (\$5,000)
<u>Permit/ID Number:</u>	SCR106602
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-9.122-41
(a) and (e)	

Summary: Johnny O. Jackson Builders, Inc. (Respondent) is responsible for land disturbing and construction activities at the Mustang Plantation. The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with all permit conditions as required in its NPDES General Storm Water Permit.

Action: The Respondent has agreed to: pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**). A two thousand dollar (**\$2,000.00**) civil penalty was **suspended** based on compliance with the Order.

16)	<u>Order Type and Number:</u>	Consent Order 04-213-W
	<u>Order Date:</u>	January 04, 2005
	<u>Respondent:</u>	The Litchfield Co., LLC
	<u>Facility:</u>	South Meadows SD
	<u>Location/Mailing Address:</u>	2068 Walton Way, Suite 103 Augusta, GA 30904
	<u>County:</u>	Aiken
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	SCR105108
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-9.122.41
	(a) and (e)	

Summary: The Litchfield Co., LLC. (Respondent) is responsible for the development and construction activities at the South Meadows Subdivision (Site). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permits as follows: failed to comply with all permit conditions; and discharged sediment into waters of the State.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a report prepared by a South Carolina Registered Professional Engineer certifying that all storm water and sediment controls have been installed and are functioning properly; and pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**). The penalty has been paid.

17)	<u>Order Type and Number:</u>	Consent Order 04-216-W
-----	-------------------------------	------------------------

Order Date: December 29, 2004
Respondent: **Waste Management of SC, Inc.**
Facility: Palmetto Landfill
Location/Mailing Address: 1047 Highway Church Road
Elgin, S.C. 29045
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCR003525
Violations Cited: S.C. Code Ann. § 48-1-90(a) and
S.C. Code Ann. Regs. 61-9.122.41(a) and (e)

Summary: Waste Management of South Carolina, Inc. (Respondent) is responsible for clearing and grading activities at the Palmetto Landfill (Site). The Respondent has violated the Pollution Control Act and Water Pollution Control Permits as follows: failed to comply with all permit conditions; and discharged sediment into waters of the State.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a report prepared by a South Carolina Registered Professional Engineer certifying that all stormwater and sediment controls have been installed and are functioning properly; and pay a civil penalty in the amount of eight thousand four hundred dollars (**\$8,400.00**).

18) Order Type and Number: Consent Order 04-217-W
Order Date: December 28, 2004
Respondent: **Congaree Downs Limited Partnership**
Facility: Congaree Downs
Location/Mailing Address: 5847 Shakespeare Road
Columbia, S.C. 29223
County: Lexington
Previous Orders: None
Permit/ID Number: None
Violations Cited: S.C. Code Ann. § 48-1-90(a) and
S.C. Code Ann. Regs. 61-9.422.41(a) and (e)

Summary: Congaree Downs Limited Partnership (Respondent) is responsible for land-disturbing activities in Congaree Downs Phases I & II. The Respondent has violated the Pollution Control Act as follows: discharged sediment into the environment and failed to properly maintain sediment controls.

Action: The Respondent has agreed to: pay a civil penalty in the amount of eight thousand five hundred dollars (**\$8,500.00**).

BUREAU OF AIR QUALITY

- 19) Order Type and Number: Consent Order 04-080-A
Order Date: December 1, 2004
Respondent: **St. Francis Pet Crematory**
Facility: St. Francis Pet Crematory
Location/Mailing Address: 911 South Main St
Greenville, SC 29601
County: Greenville County
Previous Orders: None
Permit/ID Number: 1200-0187
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 3, Waste Combustion and Reduction, Section III, Emission Limitations and Operating Requirements, and Section IX, Operator Training Requirements, and S.C. Code Ann. § 48-1-90(a).

Summary: St. Francis Pet Crematory (Respondent), located in Greenville, South Carolina, operates an incinerator for the cremation of animal remains. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to limit visible emissions to 10% opacity and to ensure that a trained operator was on-site during incinerator operation.

Action: The Respondent has rebuilt its incinerator, agreed to maintain its incinerator such that it is in compliance with the applicable opacity limit of 10%, ensure that a trained operator is on-site at all times of incinerator operation, and pay a civil penalty in the amount of two thousand seven hundred fifty dollars (**\$2,750.00**). The penalty has been paid.

- 20) Order Type and Number: Consent Order 04-081-A
Order Date: December 1, 2004
Respondent: **Hanson Pipe & Products**
Facility: Hanson Pipe & Products
Location: Old Dairy Rd
Jedburg, SC 29484
Mailing Address: 2840 West Northside Dr
Jackson MS 39213
County: Berkeley County
Previous Orders: None
Permit/ID Number: 0420-0076
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 4, Emissions from Process Industries, Section IX, Visible Emissions, S.C. Code Ann. § 48-1-90(a), South Carolina Air Pollution Control regulation 61-62.1, Section II, Permit Requirements, and S.C. Code Ann. § 48-1-110(d)

Summary: Hanson Pipe & Products (Respondent), located in Jedburg, South Carolina, manufactures precast concrete parts for use in manholes and collection lines. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to limit visible emissions to 20% opacity; failure to obtain required Department-issued permits prior to installing and operating a bin-vent baghouse; failure to install, operate and maintain a pressure drop gauge on its pulse jet baghouse; and failure to conduct weekly operation and maintenance checks on the baghouse cleaning systems, dust collection hoppers, and conveying systems.

Action: The Respondent submitted an application for the bin-vent baghouse; agreed to ensure that it limits visible emissions to 20% opacity; henceforth conduct weekly operation and maintenance checks on the baghouse cleaning system, dust collection hoppers and conveying system, and maintain records of same; install a pressure drop gauge on its pulse jet baghouse within 15 days of the execution date of this Order; and pay to the Department a civil penalty in the amount of six thousand dollars **(\$6,000.00)**. The penalty has been paid.

21) Order Type and Number: Consent Order 04-082-A
Order Date: December 31, 2004
Respondent: **Mary Black Hospital**
Facility: None
Location/Mailing Address: 1700 Skylyn Dr
Spartanburg, SC 29304
County: Spartanburg
Previous Orders: 98-075-A **(\$4,000.00)**
Permit/ID Number: 2060-0121
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.1, Section II, Permit Requirements

Summary: Mary Black Hospital (Respondent), located in Spartanburg, South Carolina, is a primary healthcare facility. The Respondent has violated South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, in that it failed to obtain required Department-issued permits or exemptions from the permitting process prior to installing and placing into operation nine (9) natural-gas fired boilers.

Action: The Respondent has agreed to: obtain all required Department-issued permits prior to constructing, altering, or removing sources of air contaminants; and pay a civil penalty in the amount of eight thousand dollars **(\$8,000.00)**.

22) Order Type and Number: Consent Order 04-083-A
Order Date: December 14, 2004
Respondent: **Mr. Stephen Riggi d/b/a Low
Country Wrecking**

Facility: Mr. Stephen Riggi d/b/a Low Country Wrecking
Location/Mailing Address: PO Box 51569
Summerville, SC 29485
County: Charleston
Previous Orders: None
Permit/ID Number: N0403474
Violations Cited: U.S. EPA 40 CFR 61.145, *Standard for Demolition and Renovation* and South Carolina Regulation 61-86.1, Section XIII, *Standard for Demolitions*

Summary: Mr. Stephen Riggi d/b/a Low Country Wrecking (Respondent), located in Summerville, South Carolina, is a demolition contractor. The Respondent violated Federal and State Asbestos Regulations as follows: failed to follow all Federal and State handling and disposal requirements after causing non-friable asbestos-containing material (ACM) to become regulated ACM (RACM); failed to notify the Department after causing non-friable ACM to become RACM; failed to dispose of demolition debris containing ACM at a landfill approved by the Department; and failed to ensure that demolition debris containing ACM was not recycled.

Action: The Respondent has agreed to: comply with Federal and State handling and disposal requirements after causing non-friable ACM to become RACM; notify the Department if non-friable ACM is handled in a manner which causes it to become RACM; dispose of RACM in a landfill approved by the Department; ensure that demolition debris containing ACM is not recycled or burned; and pay a civil penalty in the amount of sixteen thousand dollars (**\$16,000.00**), payable in five payments of three thousand dollars (\$3,000.00) and one payment of one thousand dollars (\$1,000.00).

23) Order Type and Number: Consent Order 04-084-A
Order Date: December 31, 2004
Respondent: **Pactiv Corporation**
Facility: Pactiv Corporation
Location/Mailing Address: 578 Old Jackson Hwy
Jackson, SC 29831
County: Aiken County
Previous Orders: None
Permit/ID Number: TV-0080-0057
Violations Cited: S.C. Code Ann. 48-1-110(d)

Summary: Pactiv Corporation, (Respondent), located in Jackson, South Carolina, manufactures foam and plastic containers and plates for the food industry. The Respondent has violated State regulations as follows: the respondent did not record weekly air pollution control device operational data and

did not report the missing data in its annual compliance report. The annual report was subsequently amended to reflect the missing data.

Action: The Respondent has agreed to ensure the weekly data is recorded, ensure the annual compliance report is correct, and pay a civil penalty of **\$4,000.00**. The penalty has been paid.

24) Order Type and Number: Consent Order 04-085-A
Order Date: December 14, 2004
Respondent: **Baucom's Grading, LLC**
Facility: None
Location/Mailing Address: 990 Drop Off Dr
Summerville, SC 29483
County: Dorchester
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.2, Prohibition of Open Burning

Summary: Baucom's Grading (Respondent), located in Summerville, South Carolina, is a land clearing and grading company. The Respondent has violated South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning, by burning land clearing debris less than 1,000 feet from an adjacent residence.

Action: The Respondent has agreed to: cease open burning except as in compliance with Department regulations for open burning; and pay a civil penalty in the amount of two thousand five hundred dollars (**\$2,500.00**).

25) Order Type and Number: Consent Order 04-086-A
Order Date: December 31, 2004
Respondent: **Protech Contractors, Inc.**
Facility: Savannah River Site
Location/Mailing Address: 1530 Carroll Dr NW, Ste 102
Atlanta, GA 30318
County: Aiken County
Previous Orders: None
Permit/ID Number: Contractor License Number ASB-
502
Violations Cited: S.C. Code Ann. Reg. 61-86.1,
Section IV and V

Summary: Protech Contractors, Inc., (Respondent), located in Atlanta, Georgia, is a licensed asbestos abatement contractor. The Respondent has violated State regulations as follows: the Respondent failed to ensure all asbestos workers were properly trained and licensed; directly contracted with the air

sampler for a project; and failed to ensure work practice requirements were followed to avoid asbestos emissions to the ambient air.

Action: The Respondent has agreed to ensure asbestos workers are properly trained and licensed, ensure appropriate work practices are implemented at each project site, and pay a civil penalty of eight thousand dollars **(\$8,000.00)**. The penalty has been paid.

26) Order Type and Number: Consent Order 04-087-A
Order Date: December 31, 2004
Respondent: **Wando Concrete, LLC**
Facility: Wando Concrete, LLC
Location: 2025 Cherry Hill Ln
Charleston, SC 29405
County: Charleston County
Previous Orders: 01-059-A (\$4,000.00)
Permit/ID Number: 9900-0385
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 4, Emissions from Process Industries, Section IX, Visible Emissions, South Carolina Air Pollution Control Regulation 61-62.6, Control of Fugitive Particulate Matter, Section II, Control of Fugitive Particulate Matter From Problem Areas, and S.C. Code Ann. § 48-1-90(a).

Summary: Wando Concrete (Respondent), located in Charleston, South Carolina, operates a concrete batch plant. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to limit visible emissions to 20% opacity and failed to control fugitive emissions on the plant property itself and at all entrances through which vehicles travel.

Action: The Respondent submitted to the Department for approval a plan of action to prevent future fugitive dust emission violations, and agreed to: control fugitive emissions from the plant, as required by its permit; operate and maintain its concrete batch plant such that it is in compliance with the applicable opacity limit of 20%; and pay to the Department a civil penalty in the amount of five thousand dollars **(\$5,000.00)**. The penalty has been paid.

27) Order Type and Number: Consent Order 04-088-A
Order Date: December 22, 2004
Respondent: **Mr. Mitch Talbert, d/b/a M.T. Talbert Demolition, Inc.**
Facility: Mr. Mitch Talbert, d/b/a M.T. Talbert Demolition, Inc.
Location/Mailing Address: 213 Racetrack Dr
Hartsville, SC 29506
County: Chesterfield

Previous Orders: 02-104-A (\$6,000)
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(a) and 61.145(b)(3)(i), South Carolina Air Pollution Control Regulations 61-86.1, Section IV.B.1., Section IV.B.5., Section XIII.B.1.a., and Section XIII.B.1.a.

Summary: Mr. Mitch Talbert, d/b/a M.T. Talbert Demolition, Inc. (Respondent) is a demolition contractor and is not incorporated in South Carolina. The Respondent violated Federal and State Asbestos Regulations as follows: failure to thoroughly inspect a building for the presence of asbestos prior to commencement of demolition; failure to ensure that an asbestos survey was performed to identify the presence, location, and estimated quantity of asbestos-containing material (ACM) prior to beginning demolition; failure to obtain an asbestos project license prior to beginning demolition; failure to pay all applicable fees; and failure to provide written notice of intent to demolish the building at least 10 working days prior to the demolition.

Action: Respondent has agreed to: henceforth ensure that a valid asbestos survey is performed prior to beginning demolition of any regulated building or structure; provide written notice of intent to demolish and include project fees in the correct amount at least 10 working days prior to beginning demolition; obtain an asbestos project license prior to beginning demolition; complete a 40-hour Department-approved asbestos supervisor course; submit written verification to the Department indicating completion of the course; and pay a **suspended** civil penalty in the amount of six thousand dollars (**\$6,000.00**), which is contingent on the Respondent's maintaining compliance.

28) Order Type and Number: Consent Order 04-089-A
Order Date: December 22, 2004
Respondent: **Bode Corporation**
Facility: None
Location/Mailing Address: PO Box 4399
Spartanburg, SC 29305
County: Spartanburg
Previous Orders: 01-080-A (\$6,750.00)
Permit/ID Number: 2060-0384
Violations Cited: S.C. Code Ann. §48-1-110(d)

Summary: Bode Corporation (Respondent), located in Spartanburg, South Carolina, manufactures automatic doors for buses, trains, and subways. The Respondent has violated S.C. Code Ann. §48-1-110(d) as follows: The Respondent failed to install required monitoring devices, perform required monitoring, and conduct operation and maintenance checks on its pollution control equipment as required.

Action: The Respondent has agreed to: conduct required monitoring and record keeping in accordance with the terms and conditions of its Permit, and pay a civil penalty in the amount of five thousand dollars **(\$5,000.00)**.

29) Order Type and Number: Consent Order 04-090-A
Order Date: December 22, 2004
Respondent: **Exopack, LLC**
Facility: None
Location/Mailing Address: 345 Cedar Springs Ave.
Spartanburg, SC 29302
County: Spartanburg
Previous Orders: None
Permit/ID Number: 2060-0075
Violations Cited: S.C. Code Ann. §48-1-110(d)

Summary: Exopack, LLC (Respondent), located in Spartanburg, South Carolina, manufactures and prints multi-wall bags for consumer products such as animal feed, charcoal, coffee, sugar, and cookies. The Respondent has violated S.C. Code Ann. §48-1-90(a) as follows: the Respondent failed to maintain a minimum capture efficiency of 65 percent for Volatile Organic Compound emissions emanating from one of its presses during a Department-approved source test conducted May 14, 2004.

Action: The Respondent has agreed to maintain a minimum capture efficiency of 65 percent for VOC emissions emanating from both of its presses, and pay a civil penalty in the amount of seven thousand dollars **(\$7,000.00)**.

30) Order Type and Number: Consent Order 04-091-A
Order Date: December 31, 2004
Respondent: **Avery Dennison**
Facility: Security Printing Division
Location/Mailing Address: PO Box 270
Clinton, SC 29325
County: Laurens
Previous Orders: None
Permit/ID Number: 1520-0029
Violations Cited: S.C. Code Ann. Reg. 61-62.70.5,
Permit Applications

Summary: Avery Dennison (Respondent), located in Clinton, South Carolina, owns and operates a textile dyeing and finishing plant. The Respondent has violated S.C. Code Ann. Reg. 61-62.70.5, Permit Applications, as follows: the Respondent failed to submit a complete application for renewal of its Title V operating permit at least six months prior to the expiration date of its Permit.

Action: The Respondent has agreed to comply with the terms and conditions of its Permit until such time as the Department has taken a final permit action on its application for a renewal Title V permit; and to submit to the Department an interim Title V compliance certification within forty-five days after the effective date of a final permit action regarding the renewal application in the event that the Department does not issue a final permit action prior to the expiration date of the current Title V Permit.

- 31) Order Type and Number: Consent Order 04-092-A
Order Date: December 31, 2004
Respondent: **Actus Lend Lease, LLC**
Facility: Marine Corp Recruit Depot
Location/Mailing Address: PO Box 5160
Parris Island, SC 29905
County: Beaufort County
Previous Orders: None
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145 and S.C. Code Ann. Reg. 61-86.1, Section IV and V

Summary: Actus Lend Lease, LLC, (Respondent), located in Parris Island, South Carolina, is the managing partner in a military-housing cooperative with the Marine Corps Recruit Depot (“MCRD”), Parris Island, South Carolina. The Respondent has violated Federal and State regulations as follows: the Respondent failed to notify the Department of a correct asbestos project start date; failed to ensure a subcontractor used properly trained and licensed workers; and failed to ensure work practice requirements were followed to avoid asbestos exposure to the ambient air.

Action: The Respondent has agreed to submit timely notifications for asbestos projects, ensure asbestos workers are properly trained and licensed, ensure subcontractors use appropriate work practices, and pay a civil penalty of six thousand five hundred dollars **(\$6,500.00.)**

- 32) Order Type and Number: Consent Order 04-093-A
Order Date: December 31, 2004
Respondent: **Cameron Lumber Company**
Facility: Cameron Lumber Company
Location/Mailing Address: PO Box 338
Cameron, SC 29030
County: Calhoun County
Previous Orders: 01-103-A (\$6,000.00)
Permit/ID Number: CM-0460-0001
Violations Cited: S.C. Code Ann. 48-1-110(d)

Summary: Cameron Lumber Company, (Respondent), located in Cameron, South Carolina, manufactures wood products. The Respondent has violated State regulations as follows: the Respondent did not record weekly air pollution control device operational data and failed to submit annual reports and certifications for two years. The Respondent also violated the conditions of a consent order by failing to submit annual reports.

Action: The Respondent has agreed to ensure monitoring data is recorded, ensure annual reports are submitted, and pay a civil penalty of eight thousand five hundred dollars **(\$8,500.00)**. The penalty was **suspended** after a Department evaluation of the Respondent's ability to pay.

33) Order Type and Number: Consent Order 04-094-A
Order Date: December 31, 2004
Respondent: **Performance Friction Corporation**
Facility: Performance Friction Corporation
Location/Mailing Address: 83 Carbon Metallic HWY
PO Box 819
Clover, SC 29710
County: York County
Previous Orders: None
Permit/ID Number: 2440-0078
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.1, Section II, Permit Requirements.

Summary: Performance Friction Corporation (Respondent), located in Clover Hill, South Carolina, manufactures brake pads for automobiles. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to apply for and obtain required Department-issued permits prior to installing and operating sources of air contaminants, and failure to submit sufficient description, including physical and chemical properties of materials, necessary for the Department to determine actual and potential emissions.

Action: The Respondent has agreed to henceforth apply for and obtain required Department-issued permits prior to installing, operating, or modifying any source of air contaminants, and pay a civil penalty in the amount of nine thousand five hundred dollars **(\$9,500.00)**.

34) Order Type and Number: Consent Order 04-096-A
Order Date: December 31, 2004
Respondent: **S & A Services, Inc.**
Facility: S & A Services, Inc.
Location/Mailing Address: 206 White Church Ln
Summerville, SC 29485
County: Berkeley and Charleston
Previous Orders: None

Permit/ID Number: ASB-702
Violations Cited: U.S. EPA 40 CFR 61.145, *Standard for Demolition and Renovation*, and South Carolina Air Pollution Control Regulation 61-86.1

Summary: S & A Services, Inc. (Respondent), located in Summerville, South Carolina, is a licensed asbestos abatement contractor. The Respondent violated Federal and State asbestos regulations as follows: failed to follow all work practice requirements for NESHAP projects after causing non-friable ACM to become RACM; failed to ensure each worker at the project site met applicable training and licensing requirements; failed to ensure that a licensed supervisor was present within the contained work area supervising abatement activities at all times; failed to ensure that RACM did not accumulate at any time during abatement activities; failed to ensure that polyethylene sheeting isolating contaminated areas was secured in place and properly maintained at all times; failed to ensure that contaminated water did not drain or leak outside of the containment area; failed to ensure all personnel exiting the containment area were thoroughly decontaminated; failed to install polyethylene sheeting over the ceiling surface of a transport vehicle for RACM; and failed to submit written notification of a new start date to the Department no later than the previously notified start date for license N0406368.

Action: The Respondent has agreed to: comply with Federal and State asbestos handling requirements for non-friable ACM; comply with all applicable work practice, air sampling, clean-up and disposal requirements when removing RACM; ensure that each worker at the project site meets applicable training and licensing requirements; submit written notification of a new start date to the Department no later than the previously notified start date; pay to the Department a civil penalty in the amount of twenty thousand dollars (**\$20,000.00**), payable in five payments of four thousand dollars (\$4,000.00). The first payment is due within thirty days of the execution date, and all additional payments will be due every thirty days from the previous payment due date.

MULTI-MEDIA ACTIONS

Solid Waste Enforcement and Hazardous Waste Enforcement

35) Order Type and Number: Consent Order 04-16-SW,HW;
04-20-HW,SW
Order Date: December 6, 2004
Respondent: **Eagle Environmental Services, Inc.**
Solid Waste Processing Facility
Facility: Same As Above
Location/Mailing Address: U.S. Highway 78, Dorchester, SC
29437/PO Box 2990, Evans, GA
30890

County: Dorchester
Previous Orders: None
Permit/ID Number: 182628-2001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002); Solid Waste Processing Facilities Regulation, 25A S.C. Code Ann. Reg. 61-107.6.F.3.a. (Supp. 2003); Permit # 182628-2001, Permit Condition, Item No. 1; The South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-130 (2) (Supp.2003); and, Permit Requirements Regulation, S.C. Code Ann. Reg. 61-79.270.1(c) (Supp. 2003).

Summary: Eagle Environmental Services, Inc. Solid Waste Processing Facility (Respondent) operates a solid waste processing facility located on U.S. Highway 78 near Dorchester, South Carolina (Site). The Department issued the Respondent a Solid Waste Processing Facility Permit (Permit # 182628-2001) on October 22, 1997. The Respondent violated its permit when it accepted hazardous waste for processing due to inadequate waste screening procedures.

Action: The Respondent revised its Waste Control Plan (approved by the Department on June 13, 2004) prior to signing the Order and agreed to implement the revised plan. The Department assessed a civil penalty in the amount of twenty-seven thousand five hundred dollars **(\$27,500.00)**. Hazardous Waste Enforcement assessed seventeen thousand five hundred dollars (\$17,500.00) and Solid Waste Enforcement assessed ten thousand dollars (\$10,000.00). The Department determined that the Respondent would be unable to pay a civil penalty due to financial hardship. Therefore, the Department **suspends** the entire penalty due to the financial circumstances of the Respondent; however, if the provisions of the Order are not complied with as required, the penalty shall become due and payable to the Department upon written notification.

36) Order Type and Number: Consent Order 04-17-SW,HW;
04-21-HW,SW
Order Date: December14, 2004
Respondent: **CMEG, Inc. Solid Waste Processing Facility**
Facility: Same As Above
Location/Mailing Address: PO Box 1606, 915-B Industrial Road, Walterboro, SC 29488
County: Colleton
Previous Orders: None
Permit/ID Number: 152609-2001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002); Solid Waste Processing Facilities Regulation, 25A S.C. Code Ann. Reg. 61-107.6.F.3.a. (Supp. 2003); Permit # 182628-2001, Permit Condition, Item No. 1; The South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-130 (2)

(Supp. 2003); and, Permit Requirements Regulation, S.C. Code Ann. Reg. 61-79.270.1(c) (Supp. 2003).

Summary: CMEG, Inc. Solid Waste Processing Facility (Respondent) operates a solid waste processing facility located at 915-B Industrial Road in Walterboro, South Carolina (Site). The Department issued the Respondent a Solid Waste Processing Facility Permit (Permit # 152609-2001) on January 15, 1997. The Respondent violated its permit when it accepted hazardous waste for processing due to inadequate waste screening procedures.

Action: The Respondent revised its Waste Control Plan (approved by the Department on August 26, 2004) prior to signing the Order and agreed to implement the revised plan. Furthermore, the Respondent agreed to pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**). Hazardous Waste Enforcement assessed five thousand dollars (\$5,000.00) and Solid Waste Enforcement assessed three thousand dollars (\$3,000.00). The civil penalty was paid in full.